



Mitchell E. Daniels, Jr.
Governor

Judith A. Monroe, M.D.
State Health Commissioner

Indiana State Department of Health

An Equal Opportunity Employer

IN RE THE MATTER OF:

Qahveh Ch'a
110 3rd Avenue
Carmel, IN 46032

**Re: Variance Request Dated August 2, 2007 and
Sections 350-354 "Restroom Requirements"**

Order to Grant a Variance

You are hereby notified that based on the recommendation of the Food Protection Program, Indiana State Department of Health (ISDH), and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be issued to Craig Henson, Qahveh Ch'a, 110 3rd Avenue, Carmel, Indiana 46032.

This variance is based on the variance application submitted on August 2, 2007. As part of the review of variance application, ISDH representatives conducted an on-site evaluation to determine the accessibility and convenience of the proposed restroom facilities in the adjacent building to the drive through food operation.

Order

This variance is subject to the following terms and conditions and is valid only for the time specified herein:

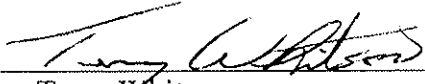
1. A variance is hereby issued to Qahveh Ch'a, 110 3rd Avenue, Carmel, Indiana 46032, as to the requirements of 410 IAC 7-24-350 through 354 which requires a food establishment to provide toilets, covered waste receptacles, enclosed toilet rooms, accessibility and toilet tissue.
 - A. This variance allows Qahveh Ch'a to have a restroom for their food employees meeting these requirements in an adjacent building, rather than being located inside the drive-through coffee shop structure.
2. The Qahveh Ch'A, a drive-through coffee shop, shall comply in all aspects of the 410 IAC 7-24, as determined by the Hamilton County Health Department, except as stated above.

3. This variance approval is limited to the current owner of Qahveh Ch'A operation, Craig D. and Latonya Henson, the laundry building, whoever owns it, and the current menu of the proposed Qahveh Ch'A operation. This variance is not transferable to a new owner or to a different location.
4. This variance approval is limited to the current structure of the buildings for both the laundry building and the Qahveh Ch'A operations, after the Qahveh Ch'A operation complies with applicable non-varied sections of 410 IAC 7-24. Any change to either of the structure(s) could invalidate the variance approval.
5. This variance approval is conditioned upon the restroom in the laundry building complying with the applicable sections of 410 IAC 7-24 relating to restrooms.
6. This variance approval is conditioned upon the laundry building restroom being accessible during all hours of the Qahveh Ch'A's operation. It is the opinion of the ISDH that the restroom facilities are located within a reasonable and convenient distance. Compliance with this condition will assure that the restrooms are accessible at all times. If the Hamilton County Health Department observes during any inspection that they are not fully accessible then this variance could be revoked.
7. This variance approval is limited to being in compliance with all other applicable state and local regulations.
8. Failure to comply with any of the above conditions could result in the revocation of the variance approval.

DATED AT INDIANAPOLIS, INDIANA, THIS 24th DAY OF SEPTEMBER 2007.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY GRANT A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

JUDITH A. MONROE, M.D.
STATE HEALTH COMMISSIONER

By: 
Terry Whitson
Assistant Commissioner
Health Care Regulatory Services

cc: Hamilton County Health Department
ISDH Retail Food Protection Program Staff